

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15 CV 269**

PATRICIA RICE,)
Plaintiff/Counterclaim Defendant,)
v) **ORDER**
RUTLEDGE ROAD ASSOCIATES, LLC,)
and GULFSTREAM CAPITAL)
CORPORATION,)
Defendants,)
GULFSTREAM CAPITAL CORPORATION,)
Third Party Plaintiff,)
STEPHEN D. RICE,)
Third Party Defendant.)

THIS MATTER is before the undersigned pursuant to a Motion to Compel (#36) filed by counsel for the Plaintiff, Patricia Rice. In the motion the Plaintiff seeks an Order ordering compliance with subpoenas issued to attorneys for the Defendants and for Dixon Hughes Goodman LLP, an accounting firm that has allegedly provided services for the Defendant Rutledge Road Associates, LLC.

LCvR 7.1 states:

(A) Motions in Writing. Unless made during a hearing or trial, all motions

must be put in writing and filed as provided by LCvR 5.2(C) and shall state with particularity the grounds of the motions and shall set forth the relief or Order sought. Motions will ordinarily be ruled upon without oral argument, unless otherwise ordered by the Court.

(C) Requirement of Briefs. Briefs shall be filed contemporaneously with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery. Exhibits in support of a brief shall be attached as appendices as specified in the Administrative Procedures. Factual contentions shall be supported as specifically as possible by citation to exhibit number and page.

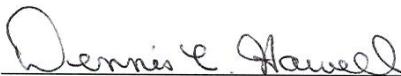
(3) Exhibits Shall be Numbered and Filed as a Separate Attachment. All exhibits as well as all pages within an exhibit shall be numbered prior to filing. Exhibits previously filed shall not be re-filed by any party and may be incorporated into any other pleading by specific reference to the docket entry, exhibit number, and page. Each exhibit shall be filed as a separate attachment to the pleading it supports.

The motion of the Plaintiff is not supported by a brief as required by LCvR 7.1(C) and the exhibits to the motion are not numbered as required by LCvR 7.1(C)(3). For those reasons, the motion of the Plaintiff will be denied without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Compel (#36) of the Plaintiff is **DENIED** without prejudice.

Signed: April 14, 2016



Dennis L. Howell
United States Magistrate Judge

